

**REMARKS**

Claims 1-17 are pending. Claims 3, 4, 6-8, and 11-13 are withdrawn pursuant to a restriction requirement. In this Amendment, independent claims 1 and 14-17 have been amended to clarify subject matter of the invention. Care has been exercised not to introduce new matter.

**Claim Rejections Under U.S.C. § 103(a)**

Claims 1, 2, 5, 9, 10 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Stefik (U.S. Patent No. 5,629,980, hereinafter “Stefik”) in view of Nagai et al. (U.S. Patent No. 6,754,442, hereinafter “Nagai”). The rejection is respectfully traversed for the following reasons.

Amended claim 1, *inter alia*, recites “the output time management apparatus acquires an output time management program and the object data from an external medium.” As illustrated in FIG. 21, one embodiment of what is claimed in claim 1, the output time management apparatus controls the displaying time and output time of object data by the execution of the output time management program. The output time management program and object data are stored on and obtained from the external medium. As exemplified in the embodiment of FIG. 21, a personal computer, an example of the output time management apparatus, recognizes the insertion of the memory card, an example of the external medium, and then starts reading the object data from the memory card. The combination of Stefik and Nagai fails to teach or suggest the above limitation.

As the Examiner acknowledged, Stefik fails to teach or suggest the above limitations. The Examiner, however, relies on the recording/reproduction apparatus of Nagai, which

discloses a time shift function of a digital recording and reproducing apparatus, to teach the above limitations. The Nagai's external factor, on which the Examiner relied on to teach the "external medium" of claim 1, is not an external medium, but situations which require the data to be written in another place owing to lengthening of the recording period. The situations which require the data to be written in another place are when the recording fails to end within the calculated period due to the defect of the recording medium and when the recording time is lengthened and the reading time comes short. Thus, Nagai does not disclose any program or sequence of process for controlling the output of video or audio signal obtained from an external medium outside the recording/reproduction apparatus.

Accordingly, as each and every limitation must be disclosed or suggested by the cited prior art references in order to establish a *prima facie* case of obviousness (*see*, M.P.E.P. § 2143.03) and for at least the foregoing reasons the combination of Stefik and Nagai fails to do so, it is respectfully submitted claim 1 and claims dependent thereupon are patentable over the combination of Stefik and Nagai.

Amended independent claims 14 includes the following limitation, "the control apparatus acquires an output time management program and the object data from the data sending apparatus." As addressed above, the combination of Stefik and Nagai fails to teach or suggest the above limitation. Thus, claim 14 is patentable over the combination of Stefik and Nagai.

Amended independent claim 15 includes the following limitation, "the control apparatus acquires the output time management program and the object data by the reading apparatus." Since the combination of Stefik and Nagai fails to teach or suggest the above limitation as addressed above, claim 15 is patentable over the combination of Stefik and Nagai.

Amended independent claim 16 includes the following limitation, “controlling step comprises acquiring an output time management program and the object data from an external medium.” Claim 16 is patentable over the combination of Stefik and Nagai because the combination of Stefik and Nagai fails to teach or suggest the above limitation as addressed above.

Amended independent claim 17 includes the following limitation, “controller acquires an output time management program and the object data from an external medium.” Claim 17 is patentable over the combination of Stefik and Nagai because the combination of Stefik and Nagai fails to teach or suggest the above limitation as addressed above.

### **Conclusion**

Upon entry of the above claim amendments, claims 1, 2, 5, 9-10 and 14-17 remain active in this application, which should be supported by the disclosure, definite, novel and patentable over the art applied in the Action. Applicant therefore submits that claims 1, 2, 5, 9-10 and 14-17 are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicant respectfully requests a prompt favorable reconsideration of this matter.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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